

Bureau of Prisons will contact the Parole Commission for an emergency determination prior to release of the prisoner, and a determination will be entered the same day the prisoner is released. Otherwise, a *nunc pro tunc* order will be entered.

In order to avoid minor disputes over the period and conditions of supervised release becoming grounds for an appeal to a U.S. Court of Appeals, the amended regulation permits the Commission to act upon a petition for a more favorable decision within a 60-day deadline from the date the determination is issued.

Public comment is expressly invited, especially from those who practice before the Commission, both in regard to the specific amendments published today, and in regard to any improvements or modifications in the Commission's pre-hearing procedures in transfer treaty cases that might be advisable.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866, and the rule has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, probation and parole, prisoners.

The Interim Rule

Accordingly, the U.S. Parole Commission makes the following changes to 28 CFR Part 2:

(1) The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.62 [Amended]

(2) 28 CFR Part 2, § 2.62(e) is revised to read as follows:

§ 2.62 Prisoners transferred pursuant to treaty.

* * * * *

(e) *Special Transferee Hearing.* A special transferee hearing shall be conducted within 180 days from the transferee's entry into the United States, or as soon as is practicable following completion of the postsentence report along with any corrections or addendum to the report and appointment of counsel for an indigent transferee.

(1) *Waivers.* The transferee may waive the special transferee hearing on a form provided for that purpose, and the Commission may either: (A) set a release date that falls within 60 days of receipt of the waiver and establish a period and conditions of supervised release; or (B) reject the waiver and schedule a hearing.

(2) *Short-term Cases.* In the case of a transferee who has less than six months from the date of his entry into the United States to his release date as calculated by the Bureau of Prisons under 18 U.S.C. 4105, the Commission may, without conducting a hearing or awaiting a waiver, set a release date and a period and conditions of supervised release. In such cases, the period of supervised release shall not exceed the minimum necessary to satisfy the applicable sentencing guideline (but may extend to the full-term of the foreign sentence if such period is shorter than the minimum of applicable sentencing guideline). The transferee may petition the Commission for a more favorable decision within 60 days of the Commission's determination, and the Commission may act upon the petition regardless of whether or not the transferee has been released from prison.

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Dated: October 10, 1996.

Edward F. Reilly, Jr.,
Chairman, U.S. Parole Commission.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 90 and 174

Revitalizing Base Closure Communities; Redesignation of Parts

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This final rule amends subchapter G to identify base closure and realignment documents and redesignates part 90 on revitalizing base closure communities as part 174.

EFFECTIVE DATE: October 17, 1996.

FOR FURTHER INFORMATION CONTACT: L.M. Bynum, 703-697-4111.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Parts 90 and 174

Community development, Environmental protection, Government employees, Homeless, Military

personnel, Surplus Government property.

Accordingly, by the authority of 10 U.S.C. 301, 32 CFR chapter I is amended as follows:

1. The heading of subchapter G is revised to read as follows:

Subchapter G—Closures and Realignment

PART 90—[REDESIGNATED AS] PART 174

2. Part 90 is redesignated as part 174 and added to subchapter G.

Dated: October 9, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96-26381 Filed 10-16-96; 8:45 am]

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Base Closure Communities; Redesignation of Parts

32 CFR Parts 91 and 175

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This administrative amendment is published to redesignate regulations on base closure communities in part 91 as part 175, to be included under the Closures and Realignment subchapter.

EFFECTIVE DATE: October 17, 1996.

FOR FURTHER INFORMATION CONTACT:

L.M. Bynum, 703-697-4111.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Parts 91 and 175

Community development, Environmental protection, Government employees, Homeless Military personnel, Surplus Government property.

PART 91—[REDESIGNATED AS] PART 175

Accordingly, 32 CFR part 91 is redesignated as part 175, added to subchapter G, and amended as follows:

1. The authority citation for newly redesignated part 175 continues to read as follows:

Authority: 10 U.S.C. 2687 note.

§ 175.1 [Amended]

2.-3. Section 175.1 is amended by revising "part 90" to read "part 174".

§ 175.6 [Amended]

4. Section 175.6(b) is amended by revising "\$ 90.5" to read "\$ 174.5".